

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF CHING-I) APPEAL NO. 07-A-2454
AND PIH-KUEI C HUANG from the decision of the) FINAL DECISION
Board of Equalization of Ada County for tax year) AND ORDER
2007.)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came for hearing on November 19, 2007 in Boise, Idaho before Hearing Officer Steve Wallace. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellants Ching-I and Pih-Kuei C. Huang submitted their information in writing and did not appear at the hearing. Chief Deputy Assessor Tim Tallman and Appraiser Paula Gossett appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. R1389900070.

The issue on appeal is the market value of a four-plex residential property.

The decision of the Ada County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$120,000 and the improvements' valuation is \$244,100, totaling \$364,100. Appellants request the land value be reduced to \$54,000 and the improvements' value be reduced to \$244,100, totaling \$298,100.

The subject property is a residential four-plex located on .094 acres in East Boise. The building has 3,824 square feet of living space divided among four apartments, each having two bedrooms and two bathrooms. The building also has a garage with 659 square feet. The subject development consists of fifteen similar four-plex apartment buildings built in 1994.

Appellants provided the assessed values of four comparable properties to challenge subject's assessed land value. The assessments were for the 2007 tax year and included three

improved properties and one unimproved lot. The improved properties were located within .6 miles of subject and the unimproved lot was located 7.1 miles from subject. The lots were between .17 and .28 acres in size. The assessed land values of the improved properties ranged from \$80,000 to \$90,000, or \$7 to \$11 per square foot. The assessed land value of the unimproved lot was \$56,000, or \$6 per square foot.

It was asserted subject's assessment was "excessive." On the "Assessment Appeal Form," Appellants stated subject's assessed value increased 140% in 2007. It was maintained the absence of development in the vicinity of subject did not justify "such a huge increase."

Respondent provided data from three comparable sales to establish subject's market value. It was maintained these were the best sales available for comparison to subject. The comparable properties were "identical" four-plex apartment buildings located in the same development as subject. Photographs showed these buildings were similar, if not identical, to subject. The sales all occurred during 2006 and were located within 75 feet of subject. Lot sizes were between .099 and .104 acres. Each building had 3,824 square feet of living space divided among four apartments and a garage with 659 square feet. Each apartment had two bedrooms and two bathrooms. Sale prices ranged from \$360,000 to \$371,000, or \$94 to \$97 per square foot. For comparison, subject was assessed at \$364,100, or \$95 per square foot.

Respondent also provided a map of the immediate area showing all nearby lots between .072 and .134 acres had an assessed land value of \$120,000.

Respondent maintained subject's assessment was "fair and equitable" based on comparable sales located in the same development as subject, built during the same year as subject, and having the same floor plan, construction quality, and condition as subject.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following:

Idaho Code provides "All property within the jurisdiction of this state, not expressly exempted, is subject to appraisal, assessment and property taxation." I.C. § 63-203. Idaho Code further directs that "rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes of all property." I.C. § 63-208(1). For taxation purposes, Idaho requires property be valued at market value. I.C. § 63-201(10). The Idaho Administrative Code defines market value and accepted appraisal procedures:

01. Market Value Definition. Market value is the most probable amount of United States dollars or equivalent for which a property would exchange hands between a knowledgeable and willing seller, under no compulsion to sell, and an informed, capable buyer, under no compulsion to buy, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

03. Appraisal Procedures. Market value for assessment purposes shall be determined through procedures, methods, and techniques recommended by nationally recognized appraisal and valuation associations, institutes, and societies and according to guidelines and publications approved by the State Tax Commission.

IDAPA 35.01.03.217.01, .03, see also I.C. § 63-201(10) (emphasis added).

Respondent offered data from three comparable sales to establish subject's market value at \$364,100. For valuation purposes, the comparable properties were identical to subject in terms of age, size, location, condition, construction quality, and amenities. The Board finds Respondent's comparable sales resembled subject and were indicative of subject's market value.

A property valuation for taxation purposes, as determined by an assessor, is presumed correct and the taxpayer has the burden of proof to show, by a preponderance of the evidence, an entitlement to relief. *Merris v. Ada County*, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979).

The Board will grant relief where the valuation fixed by the assessor is manifestly excessive, fraudulent or oppressive; or arbitrary, capricious and erroneous resulting in discrimination against the taxpayer. *Roeder Holdings, L.L.C. v. Bd. of Equalization of Ada County*, 136 Idaho 809, 41 P.3d 237 (2001); *Merris*.

Appellants' case was based on a comparison of assessed values. Appellants claimed subject's assessment was "excessive," but failed to demonstrate specific errors. Comparable sales provided by Respondent support subject's assessed value. Therefore, we find the assessment was not arbitrary and Appellants did not demonstrate error by a preponderance of the evidence. The decision of the Ada County Board of Equalization will be affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED January 30, 2008